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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,506	04/19/2004	Terrance M. Sharp	PAT 56676A-2	1938
27510	7590	10/25/2005	EXAMINER	
KILPATRICK STOCKTON LLP 607 14TH STREET, N.W. WASHINGTON, DC 20005			GOFF II, JOHN L	
			ART UNIT	PAPER NUMBER
			1733	
DATE MAILED: 10/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,506

Applicant(s)

SHARP, TERRANCE M.

Examiner

John L. Goff

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 22-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 8/23/05. The previous claim objections have been overcome.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

3. Applicant's election of Group I, claims 1-21 and 35, in the reply filed on 8/23/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

4. The drawings were received on 8/23/05. These drawings are acceptable.

Claim Rejections - 35 USC § 102

5. Claims 1, 4, 6, 9, 10, 15, 16, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Frank (U.S. Patent 4,382,836).

Frank discloses a robotic tape applicator including a tape application head capable of applying tape (Column 5, lines 8-26). Frank teaches the tape application head comprises an idler/guide roller (18 of Figure 1) capable of receiving a tape from a tape supply, a nose (16 of

Art Unit: 1733

Figure 1) capable of applying a tape to a substrate when the application head is moved along a substrate, a braking assembly (74 and 76 of Figure 7) capable of locking the tape during cutting and maintaining the proper position of the tape during cutting, and a cutting assembly (58 of Figure 1) including a blade (94 of Figure 1) movable in a direction not substantially towards a substrate the tape application head is working on capable of cutting tape. Frank further teaches a hub capable of mounting a roll of tape (20 of Figure 1), idler/guide rollers (64 and 66 of Figure 1) capable of guiding the tape from the hub to the tape application head, a compliance cylinder (84 of Figure 1) for applying pressure to the nose, and an outfeed roller (22 of Figure 1) capable of guiding a removable tape backing to a disposal system (Figures 1-8 and Column 5, lines 7-13 and 39-41 and Column 6, lines 58-68 and Column 7, lines 1-2 and Column 8, lines 48-68 and Column 9, lines 1-2).

Claim Rejections - 35 USC § 103

6. It is noted the limitations in the claims regarding the material worked upon by the apparatus and the intended use of the apparatus do not further limit the claims other than the apparatus must be capable of performing the intended use and must include any structural limitations required by the intended use (See MPEP 2114 and 2115).

7. Claims 1-6, 9, 12-16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reis et al. (U.S. Patent 5,536,342) in view of Frank.

Reis et al. disclose a robotic web applicator including a web application head (20 of Figure 1) capable of applying tape. Reis et al. teach the web application head comprises an idler/guide roller (44 of Figure 1) capable of receiving a tape from a tape supply, a nose (39 of

Art Unit: 1733

Figure 1) capable of applying a tape to a substrate when the application head is moved along a substrate, and a cutting assembly (56 of Figure 1) including a blade (58 of Figure 2) movable in a direction not substantially towards a substrate the web application head is working on capable of cutting tape. Reis et al. teach a hub (26 of Figure 1) capable of mounting a roll of tape and idler/guide rollers (42a and 42b of Figure 1) capable of guiding the tape from the hub to the tape application head. Reis et al. further teach the web application head comprises a motorized web drive unit (50, 52, and 54 of Figure 1) capable of driving tape through the application head, an outfeed roller (48 of Figure 1) capable of guiding a removable tape backing to a disposal system, a guide roller (46 of Figure 1) between the cutting assembly and the nose capable of guiding tape from the cutting assembly to the nose, and a controller (19 of Figure 1) capable of activating the cutting mechanism at an appropriate position (Figures 1 and 2 and Column 3, lines 15-25 and Column 4, lines 5, 38-67 and Column 5, lines 1-61 and 55-58). Reis et al. do not specifically teach a braking assembly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the web application head taught by Reis et al. to include a braking assembly capable of locking the tape during cutting as was well known in the art and shown for example by Frank to maintain the proper position of the tape during cutting. Frank is described above in full detail.

8. Claims 7, 8, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reis et al. and Frank as applied to claims 1-6, 9, 12-16, 18, and 19 above, and further in view of Goodhue (U.S. Patent 5,714,034).

Reis et al. and Frank as applied above teach all of the limitations in claims 7, 8, and 17 except for a teaching of the particular means for indication to the controller the cutting

Art Unit: 1733

mechanism should be activated. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include on the web application head taught by Reis et al. as modified by Frank feed rate sensors for working with the controller to determine when the cutting mechanism should be activated as was well known in the art as shown for example by Goodhue wherein only the expected results would be achieved.

Goodhue is exemplary in the art of the well known use of a controller and feed rate sensor to activate a cutting mechanism (Column 6, lines 31-37).

9. Claims 10, 11, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reis et al. and Frank as applied to claims 1-6, 9, 12-16, 18, and 19 above, and further in view of either one of Gruber et al. (U.S. Patent 4,980,011) or Pagett et al. (U.S. Patent 5,709,162).

Reis et al. and Frank as applied above teach all of the limitations in claims 10, 11, 20, and 21 except for a teaching of using a compliance cylinder to apply pressure to the nose, it being noted Reis et al. teach any means may be used (Column 4, lines 40-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use as the means to apply pressure to the nose taught by Reis et al. as modified by Frank a compliance cylinder, i.e. an actuated cylinder capable of braking at a given position, as was well known in the art as shown for example by any one of Gruber et al., Pagett et al., or Frank for accurately pressing the nose.

Gruber et al. and Pagett et al. are exemplary in the art of a compliance cylinder, i.e. an actuated cylinder capable of braking at a given position, for accurately controlling the distance of a pressing member, e.g. tape application head nose (Column 3, lines 5-7 of Gruber et al. and Column 6, lines 35-39 of Pagett et al.). Frank is described above in full detail.

Art Unit: 1733

10. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reis et al. and Frank as applied to claims 1-6, 9, 12-16, 18, and 19 above, and further in view of Gruber et al.

Reis et al. and Frank as applied above teach all of the limitations in claim 35 except for a teaching of using a vacuum disposal system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the disposal system taught by Reis et al. as modified by Frank a vacuum system to avoid having to spool removable tape backing as was well known in the art and shown for example by Grubber et al.

Grubber et al. is exemplary in the art of a tape applicator head including a vacuum disposal system cooperating with a tape drive unit to dispose of a removable tape backing (Column 3, lines 50-53).

Response to Arguments

11. Applicant's arguments with respect to claims 1-21 and 35 have been considered but are moot in view of the new ground(s) of rejection. The newly amended claims are addressed above.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 1733

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is (571) 272-1216. The examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John L. Goff



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